

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



September 1, 1982

ALL-COUNTY LETTER NO. 82-90

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CITIZEN CHILDREN OF ILLEGAL OR UNDOCUMENTED ALIEN PARENTS

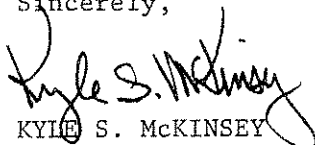
REFERENCE:

This is to serve as a further clarification of the issue regarding citizen children of undocumented and/or illegal alien parent(s). All-County Letter No. 82-86 set forth the appropriate policy in these situations. Subsequently, a Temporary Restraining Order (TRO) was issued in the Los Angeles County Superior Court on August 26, 1982 (see attached) which requires that August and September AFDC benefits be provided to otherwise eligible applicants who were denied aid on the basis of the residence requirements which were addressed in All-County Letters 81-78 and 82-86. This category consists of current applicants who have reapplied for aid following a denial or discontinuance. It shall also include those who have been denied or discontinued for failure to meet the residency requirement who have requested a fair hearing but are not receiving aid pending the hearing. The TRO further requires that benefits be provided to current eligible applicants no later than September 3, 1982. All new applications which fall into this category are to be processed and granted as soon as all eligibility factors have been determined. Reapplications should be reviewed to ascertain whether an underpayment exists.

Finally, the TRO prohibits the recoupment of benefits paid to recipients in the above category who are appealing the proposed termination of their aid.

Should you have further questions, please contact your AFDC Management Consultant at (916) 445-4458.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA

GEN 654 (9/79)

1 MELINDA R. BIRD, ESQ.
2 MARILYN KATZ, ESQ.
3 WESTERN CENTER ON LAW AND POVERTY, INC.
3535 West 6th Street
Los Angeles, California 90020
Telephone: (213) 487-7211

ORIGINAL FILED

AUG 26 1982

4 M. CHRISTINE HELY, ESQ.
5 CALIFORNIA RURAL LEGAL ASSISTANCE
529 South "D" Street
6 Madera, California 93637
Telephone: (209) 674-5671

JOHN J. CORCORAN, County Clerk

7
8 Attorneys for Plaintiffs

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF LOS ANGELES

12
13 WELFARE ACTION, an unincorporated)
14 association; KAREN ADAM; JANE DOE,)
on behalf of herself and her minor)
15 children; SUSAN DOE, on behalf of)
herself and her minor children;)
16 ANN DOE, on behalf of herself and)
her minor child; CLARA DOE, on)
17 behalf of herself and her minor)
children; BARBARA DOE, on behalf)
18 of herself and her minor children,)

NO.

19 Plaintiffs,)

20 -vs-)

21 MARION J. WOODS, Director of the)
State Department of Social Services;)
22 THE STATE DEPARTMENT OF SOCIAL)
SERVICES, an agency of the State)
23 of California.)

24 Defendants.)

ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAIN-
ING ORDER

25 Having considered the pleadings, declarations and exhibits ~~for~~
26 filed in this action, it appears to this court that this is a
27
28

1 proper cause for granting an Order to Show Cause and a
2 Temporary Restraining Order and that, unless a temporary
3 restraining order issues, the individual plaintiffs and
4 all other California AFDC recipients or applicants whose benefits
5 have been denied on the basis of residence eligibility practices
6 adopted by defendants and their agents, servants, employees,
7 and representatives, will suffer irreparable injury and their
8 rights will be rendered meaningless before this matter can
9 be heard on a noticed motion, that now, therefore,

10 IT IS HEREBY ORDERED that the above-named defendants
11 appear before this Court in the courtroom of Department 86,
12 111 North Hill Street, Los Angeles, California on 9-10-82,
13 1982, at the hour of 9:00 a.m., then and there to show cause,
14 if any he has, while he, and his successors in office, agents,
15 assigns, employees, and all persons acting in concert with him
16 or subject to his control and supervision, should not be enjoined
17 during the pendency of this action from:

18 (1) Imposing residence requirements which are unrelated
19 to bonafide elements of eligibility, including requirements and
20 inquiries to undocumented parents of eligible children concerning
21 their future plans for their child's residence in circumstances
22 where such a parent is not under a final, nonappealable order
23 of deportation.

24 (2) Failing to identify and notify all applicants
25 and recipients denied AFDC benefits on the basis of the afore-
26 said residence requirements from August 1, 1981 to the present,
27 that they may now be eligible for AFDC benefits and further,
28 for retroactive AFDC benefits and medical assistance for the

1 period of their denial even if not currently eligible.

2 (3) Retaining in the case files of the aforesaid
3 applicants and recipients any agreements to relinquish custody,
4 custodial documents, or other documents unrelated to bonafide
5 elements of eligibility.

6 IT IS FURTHER ORDERED that pending the hearing on the
7 Order to Show Cause, defendants, their agents, officers, and
8 employees and representatives, and all persons acting in
9 concert or participating with them, including employees of
10 County welfare departments, are hereby temporarily enjoined from:

11 ~~(1) Proceeding with fair hearings in which the~~
12 ~~applicant or recipient is contesting a denial, reduction, or~~
13 ~~termination of aid as a result of the aforesaid residence require-~~
14 ~~ments;~~

15 (2) Failing to immediately provide August and Sept. AFDC
16 benefits to current applicants who are otherwise eligible and
17 were denied or terminated on the basis of the aforesaid residence
18 requirements;

19 (3) From recouping aid paid pending appeals concerning
20 the aforesaid residence requirements.

21 IT IS FURTHER ORDERED that defendants, their successors
22 in office, agents, officers, employees and representatives
23 shall effecuate this Temporary Restraining Order immediately
24 without delay by noon, September 1, 1982, with regard to each
25 and every one of their agents and employees, including the
26 County welfare departments, by informing them of this Temporary
27 Restraining Order, and instructing them, pursuant to this
28 Order, to provide August and September AFDC benefits to

1 otherwise eligible applicants no later than September 3, 1982,
2 and for applicants who apply thereafter, to provide benefits
3 due them in the ordinary course without additional delay.

4 IT IS FURTHER ORDERED that copies of the complaint,
5 declarations, memorandum of points and authorities and this
6 Order to Show Cause be served on defendants no later than 10
7 days prior to hearing. Since said service can be effecuated
8 by serving copies of the above-mentioned documents on defendants'
9 counsel.

10 Let the above order issue without plaintiffs filing
11 a bond.

12 DATED: August 26th, 1982.

13 Leon Thompson

14
15 JUDGE OF THE SUPERIOR COURT

16
17
18 THIS TEMPORARY RESTRAINING ORDER
19 SHALL BECOME EFFECTIVE UPON
20 PLAINTIFF'S FILING A CORPORATE
21 SURETY BOND IN THE SUM OF

22 \$ _____.

23 *No Bond Required*
24 *ON TRO*

25 If this matter is to be continued from
26 the above hearing date by agreement,
27 counsel should notify the Court of the
28 same on or before the third Court day
preceding the hearing. In the Court's
discretion, continuances may be denied
if the above practice is not followed.
No more than two continuances by agree-
ment will ordinarily be granted.

Declaration of service to be
filed in Department 86 on or
before 4:30 p.m. of the third
Court day before hearing.